IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.23854 of 2008
RAMASHISH PASWAN & ORS
Versus
STATE OF BIHAR

For the petitioners – Mrs. Anjana Prakash, Sr. Adv.
Mr. Santosh Kumar Singh, Adv.
For the informant – Mr. Satyapal Singh, Adv.
For the State – Mr. Nilyamand Tiwary, A.P.P.
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4. 18/8/2008 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the informant.

Case has been registered under Sections 147, 148, 149, 323, 324, 307, 380, 504 and 506 of the Indian Penal Code. Subsequently, Section 302 was added.

Learned counsel for the petitioners submits that the alleged occurrence is due to earlier rivalry and enmity. There is case and counter case and the petitioner No. 2 has also lodged First Information Report bearing P.S. Case No. 58 of 2008 on 25.3.2008 under Sections 341, 323, 34 of the Indian Penal Code and Section 27 of the Arms Act.

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It is further submitted that specific allegation of inflicting Farsa blow in the First Information Report is against Manoj Paswan. Similarly, there is specific allegation against Rajesh Yadav for ordering assault and also firing from his rifle. So far as the petitioners are concerned, it is submitted that there is no specific allegations of assault in the First Information Report rather there is omnibus allegation against all the accused persons including the petitioners of assaulting by Lathi. However, it is alleged in the First

Information Report that Ramashish Paswan has taken away 5,000/- rupees and ornaments. It is submitted that the petitioners are in jail custody since 11.4.2008. Learned counsel for the petitioners files certified copy of order dated 11.8.2008 passed in Cr. Misc. Case No. 30203 of 2008 to support that one of the co-accused Rajesh Yadav who was order giver, has already been enlarged on bail by a Bench of this Court. Let the certified copy of the order be kept on the record.

Learned counsel for the State submits that there is allegation of assault against the petitioners and others by Lathi and Danda.

Learned counsel for the informant submits that from perusal of different paragraphs of the case diary, it is apparent that the petitioners also assaulted father of the informant and Ramashish Paswan has taken away 5,000/- rupees and ornaments.

In the facts and circumstances of the case and in view of submissions of the parties, petitioners namely, Ramashish Paswan and Pramod Paswan @ Kariya are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Buxar in connection with Buxar Town P.S. Case No. 57 of 2008 corresponding to G.R. No. 356 of 2008.

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S.Ali **(Dr. Ravi Ranjan, J.)**